IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16237 of 2004

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Between:

P. Kumara Swamy, S/o. Komuraiah,
R/o. H.No. 15-4-79, Pothana Nagar, Warangal,

Warangal District.

..... PETITIONER

AND

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1 The Superintendent, Government Maternity Hospital,
Hanamkonda, Warangal.
2 The District Collector, Warangal, Warangal District.
3 M/s. Sony Enterprises, H.No.2-9-256/1, Vikasnagar,

Hanamkonda, Warangal, Rep. G. Jayendhar Reddy,

S/o. Thirupathi Reddy, Aged 40 Years, R/o. Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings dated 30-8-2004 in RC.No.A/122/GMH/HNK/2004 issued by the 1st respondent awarding the contract work in favour of the 3rd respondent as illegal, arbitrary and in violation of provisions of Minimum Wages Act and consequently consider the tender submitted by the petitioner and Award Contract Work in favour of the petitioner

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for Respondents 1 & 2: GP FOR MEDICAL HEALTH &

FAMILY WELFARE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Medical Health & Family Welfare. Both have no objection for disposal of the writ petition at the stage of admission

Pursuant to the notification issued by the first respondent, petitioner submitted his tender on 5-8-2004. Apart from the petitioner's tender, three other tenders were received. The tender submitted by the third respondent was accepted for maintenance of sanitation in the hospitals through proceedings in Rc.No.A/122/GMH/HNK/2004 dated 30-8-2004. Questioning the award of the said work in favour of the third respondent, the present writ petition is filed contending that the rates quoted by the third respondent are contrary to the minimum charges fixed by the Collector in the notification, which was published in the Gazette on 16-8-2004. The other ground on which the award of work is challenged is that the third respondent has no prerequisite qualification, experience and eligibility to tender the work.

Learned counsel for the petitioner is not in a position to clarify whether the minimum wages fixed by the Collector have to be implemented by the contractor who was awarded the work. The leaned counsel contends that the minimum wages have to be followed in respect of the workers employed in non-scheduled employments NMR workers and other contingent employees working in various Government departments under the control of Public works departments, electricity, roads and buildings department and agricultu5re department etc. Even assuming that the contractor, in whose favour the works are awarded, if he is not paying the minimum wages, is liable to be prosecuted under the Minimum Wages Act. But the same cannot be a ground for setting aside the work awarded to the third respondent. Learned counsel for the petitioner is also not in a position to say, what are the qualifications prescribed, which are not possessed by the third respondent.

In the absence of specific pleadings with regard to the qualification prescribed, the writ petition cannot be maintained on vague averments. Accordingly, the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

13th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Superintendent, Government Maternity Hospital, Hanamkonda, Warangal.
2 The District Collector, Warangal, Warangal District.
3 2 CCs to G.P. for Medical Health & Family Welfare, High

Court Buildings, Hyderabad.

4 2 CD copies.